

**Calendar No. 210**

108TH CONGRESS  
1ST SESSION

**S. 929**

**[Report No. 108–104]**

To direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 28, 2003

Mr. MCCAIN (for himself, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. SMITH, Ms. SNOWE, Mr. BREAUX, Mr. LAUTENBERG, Mr. LEAHY, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JULY 16, 2003

Reported by Mr. MCCAIN, with amendments

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**A BILL**

To direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “*Max Cleland Over-the-*  
3 *Road Bus Security and Safety Act of 2003*”.

4 **SEC. 2. EMERGENCY OVER-THE-ROAD BUS SECURITY AS-**  
5 **SISTANCE.**

6       (a) IN GENERAL.—The Secretary of ~~Transportation,~~  
7 *Homeland Security* acting through the Administrator of  
8 the ~~Federal Motor Carrier Safety Administration,~~ *Trans-*  
9 *portation Security Administration*, shall establish a pro-  
10 gram for making grants to private operators of over-the-  
11 road buses for system-wide security improvements to their  
12 operations, including—

13           (1) constructing and modifying terminals, ga-  
14 rages, facilities, or over-the-road buses to assure  
15 their security;

16           (2) protecting or isolating the driver;

17           (3) acquiring, upgrading, installing, or oper-  
18 ating equipment, software, or accessorial services for  
19 collection, storage, or exchange of passenger and  
20 driver information through ticketing systems or oth-  
21 erwise, and information links with government agen-  
22 cies;

23           (4) training employees in recognizing and re-  
24 sponding to security threats, evacuation procedures,  
25 passenger screening procedures, and baggage inspec-  
26 tion;

1           (5) hiring and training security officers;

2           (6) installing cameras and video surveillance  
3 equipment on over-the-road buses and at terminals,  
4 garages, and over-the-road bus facilities;

5           (7) creating a program for employee identifica-  
6 tion or background investigation;

7           (8) establishing an emergency communications  
8 system linked to law enforcement and emergency  
9 personnel; and

10          (9) implementing and operating passenger  
11 screening programs at terminals and on over-the-  
12 road buses.

13       (b) REIMBURSEMENT.—A grant under this Act may  
14 be used to provide reimbursement to private operators of  
15 over-the-road buses for extraordinary security-related  
16 costs for improvements described in paragraphs (1)  
17 through (9) of subsection (a), determined by the Secretary  
18 to have been incurred by such operators since September  
19 11, 2001.

20       (c) FEDERAL SHARE.—The Federal share of the cost  
21 for which any grant is made under this Act shall be 90  
22 percent.

23       (d) DUE CONSIDERATION.—In making grants under  
24 this Act, the Secretary shall give due consideration to pri-  
25 vate operators of over-the-road buses that have taken

1 measures to enhance bus transportation security from  
 2 those in effect before September 11, 2001.

3 (e) GRANT REQUIREMENTS.—A grant under this Act  
 4 shall be subject to all the terms and conditions that a  
 5 grant is subject to under section 3038(f) of the Transpor-  
 6 tation Equity Act for the 21st Century (49 U.S.C. 5310  
 7 note; 112 Stat. 393).

8 **SEC. 3. PLAN REQUIREMENT.**

9 (a) IN GENERAL.—The Secretary may not make a  
 10 grant under this Act to a private operator of over-the-road  
 11 buses until the operator has first submitted to the Sec-  
 12 retary—

13 (1) a plan for making security improvements  
 14 described in section 2 and the Secretary has ap-  
 15 proved the plan; and

16 (2) such additional information as the Secretary  
 17 may require to ensure accountability for the obliga-  
 18 tion and expenditure of amounts made available to  
 19 the operator under the grant.

20 (b) COORDINATION.—To the extent that an applica-  
 21 tion for a grant under this section proposes security im-  
 22 provements within a specific terminal owned and operated  
 23 by an entity other than the applicant, the applicant shall  
 24 demonstrate to the satisfaction of the Secretary that the

1 applicant has coordinated the security improvements for  
 2 the terminal with that entity.

3 **SEC. 4. OVER-THE-ROAD BUS DEFINED.**

4 In this Act, the term “over-the-road bus” means a  
 5 bus characterized by an elevated passenger deck located  
 6 over a baggage compartment.

7 **SEC. 5. BUS SECURITY ASSESSMENT.**

8 (a) IN GENERAL.—Not later than 180 days after the  
 9 date of enactment of this Act, the Secretary of ~~Transportation~~  
 10 ~~tation~~ *Homeland Security* shall transmit to the Committee  
 11 on Commerce, Science, and Transportation of the ~~Senate~~  
 12 ~~and Senate~~, the Committee on Transportation and Infra-  
 13 structure of the House of ~~Representatives~~ *Representatives*,  
 14 *and the Select Committee on Homeland Security of the*  
 15 *House of Representatives*, a preliminary report in accord-  
 16 ance with the requirements of this section.

17 (b) CONTENTS OF PRELIMINARY REPORT.—The pre-  
 18 liminary report shall include—

19 (1) an assessment of the over-the-road bus se-  
 20 curity grant program;

21 (2) an assessment of actions already taken to  
 22 address identified security issues by both public and  
 23 private entities and recommendations on whether ad-  
 24 ditional safety and security enforcement actions are  
 25 needed;

1           (3) an assessment of whether additional legisla-  
 2           tion is needed to provide for the security of Ameri-  
 3           cans traveling on over-the-road buses;

4           (4) an assessment of the economic impact that  
 5           security upgrades of buses and bus facilities may  
 6           have on the over-the-road bus transportation indus-  
 7           try and its employees;

8           (5) an assessment of ongoing research and the  
 9           need for additional research on over-the-road bus se-  
 10          curity, including engine shut-off mechanisms, chem-  
 11          ical and biological weapon detection technology, and  
 12          the feasibility of compartmentalization of the driver;  
 13          and

14          (6) an assessment of industry best practices to  
 15          enhance security.

16          (c) CONSULTATION WITH INDUSTRY, LABOR, AND  
 17          OTHER GROUPS.—In carrying out this section, the Sec-  
 18          retary shall consult with over-the-road bus management  
 19          and labor representatives, public safety and law enforce-  
 20          ment officials, and the National Academy of Sciences.

21      **SEC. 6. FUNDING.**

22          There are authorized to be appropriated to the Sec-  
 23          retary of ~~Transportation~~ *Homeland Security* to carry out  
 24          this Act ~~\$35,000,000~~ \$25,000,000 for fiscal year 2003 and

- 1 \$99,000,000 for fiscal year 2004. Such sums shall remain
- 2 available until expended.

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